

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOHN G. PEDICINI, :
:
Plaintiff, :
:
v. : Case No. 04-12395-JLT
UNITED STATES OF AMERICA, et al., :
:
Defendants. :
:

DEFENDANTS' AMENDED RULE 26 DISCLOSURES

Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, Defendants, United States of America, et al. (“Government”), provide the following Rule 26(a)(3) pretrial disclosures:

- I. The following are the names, addresses, and telephone numbers of each witness, separately identifying those that the Government expects to present and those that the Government may call if the need arises:**

Defendants expect to present testimony from the following individuals:

- 1.** Frances E. Zorn¹

- 2.** John Ghiorzi
8 Dray Coach Circle
Nashua, NH 03062
(603)888-1944

¹ The contact information for Frances Zorn will be supplemented upon receipt.

3. Robert Canavan
FNS-NERO
10 Causeway Street, Rm. #501
Boston, MA 02222
(617)565-7110

Defendants may call the following witnesses if the need arises:

4. Douglas MacAllister
601 Haverhill Street
Reading, MA 01867
(781)942-0161
5. Lawrence Blim
USDA-FNS
3101 Park Center Drive
Alexandria, VA 22302-1500
(703)305-1548
6. Suzanne Biermann
FNS-NERO
10 Causeway Street, Rm. #501
Boston, MA 02222
(617)565-6370
7. Roger Hamilton
75 Mystic Drive
Medford, MA 02155
(781)395-2065
8. Arthur LeBlanc
194 Water Street
Newburyport, MA 01950
(978)465-7995

9. Michael Malone²
(301)402-3001
10. Any witness identified by Plaintiff in his pretrial disclosures (to the extent that the Court does not grant Defendants' motions in limine, motion to quash, and objections as to those witnesses); and
11. Any witness that may be necessary to impeach or rebut Plaintiff's case-in-chief.

II. The following are the documents or exhibits, including the appropriate identification of each document, separately identifying those that the Government expects to offer and those that the Government may offer if the need arises:

Documents or other exhibits Defendants expect to offer at trial:

1. Position Description of John Pedicini, Financial Management Specialist (US0176-US0184).
2. Position Description of Martin Hines, Budget Analyst (US0164-US0167).
3. Memorandum from USDA to Regional Administrators, dated February 22, 1982 (Bates-Stamped Numbers forthcoming).
4. Delegation of Authority Memoranda (US0013-US0015, other Bates-Stamped Numbers forthcoming).
5. Procurement Documents, i.e., Compensatory Time & Overtime Authorization and Printing and Binding Requisition to the Public Printer (P517, P1375, P1373).

² The remaining contact information for Michael Malone will be supplemented upon receipt.

6. Settlement Agreement, dated June 17, 2002 (US0104-US0106).
7. Stipulation of Dismissal Without Costs of Pedicini and USDA (Civil Action No. 01-11564-DPW), dated June 25, 2002 (US001).
8. 2001-2005 Performance Appraisals for John Pedicini (US0170-US0175, US0077, P-3363-P-3370, P-3329-P3332).
9. Performance Appraisal for John Pedicini, dated 2/16/2007 (Bates-Stamp Number forthcoming).
10. FNS Integrated Program Accounting System Report on User Access, dated 7/19/2007 (Bates-Stamp Number forthcoming).
11. Financial Management Northeast Region Org Chart for period 9/2002-8/2003 (US0056).
12. Financial Management Official Org Chart, dated 12/1/2004 (Bates-Stamp Number forthcoming).
13. Financial Management Org Chart for period 2/2006-5/2007 (Bates-Stamp Number forthcoming).
14. Memo from Gary Maupin regarding Funds Control Officer Responsibilities, dated 1/28/1997 (Bates-Stamp Number forthcoming).
15. Memo from Roger A. Butler regarding Permissible Expenditures, dated 11/24/1997 (Bates-Stamp Number forthcoming).
16. Cash Award, Pay Adjustment, and Within Grade Increase Notification, dated from 5/4/2002 to 8/2/2004 (US208, US0210-US0216, US0220, US0305, US0311).

17. FNS-NERO FY05 & FY06 Cash Awards issued to John Pedicini (Bates-Stamp Numbers forthcoming).
18. Memo from Michael Watts to Carol Fields Regarding "FNS Response to Noncompliance with a Settlement Agreement," dated 8/28/2003 (P-1292-P-1293).

Documents or other exhibits Defendants may offer at trial:

19. FNS Computer System Access Request for John G. Pedicini, dated 7/20/2001 (Bates-Stamp Number forthcoming).
20. SERO Financial Management Organization Chart, dated June 2006 (Bates-Stamp Number forthcoming).
21. Learning History Record of John Pedicini (Bates-Stamp Number forthcoming).
22. Memo to Michael Todd, Funds Officer at FNS Mountain Plains Region, regarding Formal Delegation of Authority (Bates-Stamp Number forthcoming).
23. Delegation of Authority With Respect to Availability of Administrative Funds Form, Regional Administrator of FNS Southeast Region Donald E. Arnette (Bates-Stamp Number forthcoming).
24. Delegation of Authority With Respect to Availability of Administrative Funds Form, Regional Administrator of FNS Southeast Region Retha F. Oliver (Bates-Stamp Number forthcoming).
25. Delegation of Authority With Respect to Availability of Administrative Funds Form, Regional Administrator of FNS Southeast Region Sara S. Harding (Bates-Stamp Number forthcoming).

26. Delegation of Authority With Respect to Availability of Administrative Funds Form, Regional Administrator of FNS Southeast Region J. Lewis Wright (Bates-Stamp Number forthcoming).
27. Affidavit of Lisha Dorman, dated 11/2/2005 (P2260-P2263).³
28. NERO Vacancy Announcements, posted 7/16/2003 & 11/03/2003 (P-2089-P-2093, P-2083-P2088).
29. Documents or other exhibits referenced in Plaintiff's pretrial disclosures (to the extent that the Court does not grant Defendants' motions in limine, motion to quash, and objections as to those documents and exhibits); and
30. Any document or exhibit that may be necessary to impeach or rebut Plaintiff's case-in-chief.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Gina Walcott-Torres
Gina Walcott-Torres
Assistant United States Attorney
John Joseph Moakley U.S. Courthouse
One Courthouse Way, Suite 9200
Boston, Mass. 02110
617-748-3369

Dated: July 26, 2007

³ Defendants have filed a motion in limine to exclude this witness from testifying at trial. In the event, the Court grants Defendants' motion, then this document should be excluded from submission into evidence at trial.

CERTIFICATE OF SERVICE

I certify that on July 26, 2007, I caused a copy of the foregoing document to be served on *pro se* Plaintiff, John G. Pedicini, 10 Milano Drive, Saugus, MA 01906, by first class mail, postage pre-paid.

/s/ Gina Walcott-Torres

Gina Walcott-Torres
Assistant U.S. Attorney